

STATE OF MICHIGAN
IN THE SUPREME COURT

THE PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

Supreme Court # 141752

v

DONALD C. RICHARDSON,
Defendant-Appellant. /

11752
reply
DEFENDANT-APPELLANT'S ANSWER TO PLAINTIFF-APPELLEE'S
RESPONSE TO DEFENDANT'S APPLICATION FOR LEAVE TO APPEAL

Is it at all possible that Defendant is imprisoned because of a politically motivated prosecutor? In reference to the proclivity of the prosecutor's understanding of the sequence of occurrences of this case and yet he is denouncing publicly the true facts of which are supported by the trial transcripts, the Defendant, the medical reports and testimony of both Brandy Abrams and Dennis Dinwiddie (plaintiffs) of which proves that the three of them were on the ^{Porch} ~~porch~~ when the first shots were fired.

Defendant, a woman who had been smoking dope and drinking with strong feelings of displeasure, filled with belligerence of which was aroused by a phone call alerting her that Defendant's wife had placed her hands on her son and swinging a baseball bat Brandy Abrams along with a towering, joint smoking Dennis Dinwiddie who had an alcohol blood level of ^{3.06} ~~.22~~ at the time of being in the hospital all standing on the porch as a matter of a proven fact, the Defendant was the only one who kept a cool head through all of this so, if not for the fact that the Defendant felt that his life was in danger; why else would a man who had stayed cool and collective now would be just shooting his neighbors? No rational person would not have shot their weapon.

If not for the possibility of a politically motivated prosecutor and the ineffectiveness of defense counsel; the driver who drove Brandy Abrams to the Defendant's home would have been called to testify. This driver undoubtedly would have been ~~able to~~ testify

FILED
NOV 08 2010
CORBIN R. DAVIS
CLERK
MICHIGAN SUPREME COURT

as to the fact that Ms. Abrams did or did not bring said baseball bat with her, what kind of actions was Ms. Abrams planing once she would get there and above all else, give an understanding as to the fact as to how did drugs and alcohol get into the body of Ms. Abrams. If the defense counsel or the prosecutor would have just investigated this case, Defendant would not be in prison today.

I may be out of place here but I just had to make these remarks to the prosecutor's misunderstanding of what truly did happen.

Respectfully,



Donald C. Richardson #719076
2727 E. Beecher St.
Adrian, MI. 49221

STATE OF MICHIGAN
IN THE SUPREME COURT

THE PEOPLE OF THE STATE OF MICHIGAN
Plaintiff-Appellee,

Supreme Court #141752

v

DONALD C. RICHARDSON,
Defendant-Appellant. _____/

PROOF OF SERVICES

I, Donald C. Richardson, state that on the day and date of the notary below, I did serve a copy of DEFENDANT-APPELLANT'S ANSWER TO PLAINTIFF-APPELLEE'S RESPONSE TO DEFENDANT'S APPLICATION FOR LEAVE TO APPEAL upon:

TONI ODETTE
Assistant Prosecutor
11th Floor, 1441 St. Antoine
Detroit, Michigan 48226

By placing said document in an envelope and placing said envelop in the care of MDOC with (Legal Mail Disbursement) authorizing the Gus Harrison Correstional Facility at 2727 E. Beecher Street Adrian, Michigan 49221, to withdraw the amount of postage necessary from my account to mail said documents, with the original being sent to the Clerk:

CORBIN R. DAVIS
MICHIGAN SUPREME COURT
925 W. OTTAWA ST. 2-FLOOR
LANSING, MICHIGAN 48909

[NOTARY]

Donald C. Richardson
Donald C. Richardson

*Signed and sworn before me
in Lenawee County, Michigan
on November 3, 2010*

Jeff Drefke

JEFF DREFKE
NOTARY PUBLIC, Lenawee County, MI.
My Commission Expires May 5, 2012
Acting in the County of Lenawee

PRISONER KITE

Name DONALD RICHARDSON

No. 719076

Date 11-4-10

Lock D-54

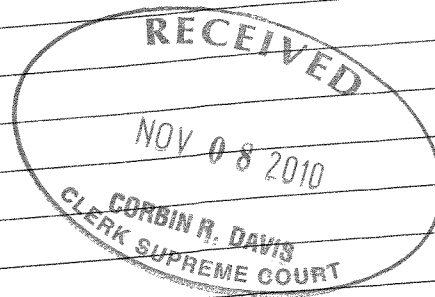
Assignment _____

CLERK!

WAS I GRANTED LEAVE TO APPEAL, ON OCT. 19,
2010? WILL I BE?

Donald Richardson

END.



Approved, SCAO

Copies to: Trial court, Court Reporter(s)/
Recorder(s), Appointed Counsel, Defendant,
Prosecutor, Court of Appeals, and MAACS

STATE OF MICHIGAN JUDICIAL CIRCUIT Wayne COUNTY	<div style="border: 1px solid black; padding: 2px;"> XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXX </div> ORDER APPOINTING COUNSEL <input type="checkbox"/> Substitution of Counsel <input type="checkbox"/> Order Amended	CASE NO. AND SUFFIX 08-013456
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Court address

Court telephone no.

SUPREME COURT APPEAL

THE PEOPLE OF THE STATE OF MICHIGAN		
v		
Defendant's name (Last)	First	Middle
Richardson	Donald	C
Address, date of birth, and inmate no. (if known)		
Gus Harrison Corr. Facility, #719076 DOB 11-25-49		
2727 E. Beecher, Adrian MI 49221		

OFFENSE NAME	PACC CODE	SENTENCE(S)
AWIGBH	750.84	
AWIGBH	750.84	
Felony Firearm	750.227B-A	
Offense date for guilty plea		

1. The defendant claims an appeal from a final judgment or order entered on _____ in the _____
Circuit Court, _____ Wayne _____ County, Michigan by Judge _____ Virgil Smith

20714

Bar no.

Copies of the final judgment or order being appealed and register of actions are attached
for the Court of Appeals, appointed counsel, and Michigan Appellate Assigned Counsel
System.

2. On _____ the defendant filed a request for appointment of counsel and a declaration of indigency.

Date

IT IS ORDERED:

1. ☒ The State Appellate Defender Office, Suite 3300 Penobscot Building, 645 Griswold, Detroit, MI 48226 (313) 256-9833
OR

☐ Name of appellate counsel _____ Address _____

City, state, and zip

Telephone no.

Bar no.

is appointed counsel for the defendant in postconviction proceedings. If appointed counsel cannot or will not accept this
appointment, counsel shall notify the court immediately.

2. The court reporter(s)/recorder(s) shall file with the trial court clerk the transcripts checked below and any other transcripts
requested by counsel in this case not previously transcribed. Transcripts shall be filed within 28 days for pleas or 91 days for
trials from the date ordered or requested (MCR 7.210(B)). Reporter(s)/recorder(s) shall be paid as provided by law.

TRANSCRIPT ORDERED	REPORTER/RECORDER NAME	NUMBER	DATE(S) OF PROCEEDING
<input type="checkbox"/> a. Jury trial			
<input type="checkbox"/> b. Bench trial			
<input type="checkbox"/> c. Plea			
<input type="checkbox"/> d. Probation violation plea			
<input type="checkbox"/> e. Probation violation hearing			
<input type="checkbox"/> f. Sentence <input type="checkbox"/> g. Resentence			
<input type="checkbox"/> h. Other (specify)			

3. The clerk shall immediately send to counsel a copy of the transcripts ordered above or requested by counsel as they become
available. The clerk shall also forward documents upon request by counsel (MCR 8.433).

3-14-11

Date

Judge

Virgil Smith

20714

Bar no.

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this claim of appeal on the parties or their attorneys by first-class mail addressed to their
last-known addresses as defined in MCR 2.107(C)(3).

3-14-11

Date

Signature

CC 403 (3/08) CLAIM OF APPEAL AND ORDER APPOINTING COUNSEL

MCR 6.425(F), MCR 8.433, MCR 7.210(B)(3)

1st copy - Corrections
 2nd copy - Corrections (for return)
 3rd copy - Michigan State Police C/JC

4th copy - Defendant
 5th copy - Prosecutor
 6th copy - Cashier

Approved, SCAO Original Court

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	JUDGMENT OF SENTENCE COMMITMENT TO DEPARTMENT OF CORRECTIONS <input type="checkbox"/> Amended	CASE NO. 08-013456-01-FC
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ORI MI- 821095J Court Address 1441 St Antoine, Detroit, MI 48226 Courtroom G-1 Court Telephone No. 313-224-5435
 Police Report No.

THE PEOPLE OF THE STATE OF MICHIGAN

v

Defendant's name, address, and telephone no.

Donald C. Richardson
 13612 Forner Detroit MI 48227

Prosecuting attorney name
 Kimberly F. Miles Bar no. 44658

CTN/TCN SID DOB
 08722378-01 MI-3547665X 11/25/1949

Defendant attorney name Bar no.
 Charles D. Lusby 24661

THE COURT FINDS:

1. The defendant was found guilty on 1-29-09

of the crime(s) stated below:

Count	CONVICTED BY			DISMISSED BY*	CRIME	CHARGE CODE (S) MCL citation/PACC Code
	Plea*	Court	Jury			
1			G		AWIOBH	750.84
2			G		AWIOBH	750.84
3			G		FELONY FIREARM	750.227B-A

*For plea: insert "G" for guilty plea, "NC" for nolo contendere, or "MI" for guilty but mentally ill, For dismissal, insert "D" for dismissed by court or "NP" for dismissed by prosecutor/plaintiff.

- ☐ 2. The conviction is reportable to the Secretary of State under MCL 257.625(2)(b).
☐ 3. HIV testing and sex offender registration is completed.
☐ 4. The defendant has been fingerprinted according to MCL 28.243.

Defendant's driver license number

IT IS ORDERED:

- ☐ 5. Probation is revoked.

6. Participating in a special alternative incarceration unit is

☐ prohibited. ☐ permitted.

7. Defendant is sentenced to custody of Michigan Department of Corrections. This sentence shall be executed immediately.

Count	SENTENCE DATE	MINIMUM			MAXIMUM		DATE SENTENCE BEGINS	JAIL CREDIT		OTHER INFORMATION
		Years	Mos.	Days	Years	Mos.		Mon.	Days	
1	2-26-09	-	36	-	-	120		-	-	
2	2-26-09	-	36	-	-	120		-	-	
3	2-26-09	2	-	-	2	-	2-26-09	-	5	

- ☐ 8. Sentence(s) to be served consecutively to: (if this item is not checked, the sentence is concurrent)
☐ each other. ☐ case numbers

9. Defendant shall pay as follows: Final Any \$; Fines \$; Court Costs \$ 300 ;
 Crime Victim Assessment \$ 60 ; State Minimum Costs (\$50.00 x) = \$ 60 TOTAL \$ 420

The due date for payment is at sentencing . Fine, costs, and fees not paid within 56 days of the due date are subject to a 20% late penalty on the amount owed.

10. The concealed weapon board shall suspend for days permanently revoke the concealed weapon license, permit number issued by Country.

- ☐ 11. The defendant is subject to lifetime monitoring pursuant to MCL 760.520n

12. Court recommendation: CTS 1 & 2 RUN CONCURRENT BUT CONSECUTIVE TO CT 3.

2-26-09

Date

Judge THOMAS E. JACKSON

22819

Bar no.

I certify that this is a correct and complete abstract from the original court records. The sheriff shall, without needless delay, deliver defendant to the Michigan Department of Corrections at a place designated by the department.

(SEAL)

Deputy court clerk

MCL 765.15(2), MCL 769.1k, MCL 769.16a, MCL 775.22,

MCL 780.766 MCR 5.427(A)

CC 219b-3CC - (8/2007) JUDGMENT OF SENTENCE, COMMITMENT TO DEPARTMENT OF CORRECTIONS

THIRD JUDICIAL CIRCUIT OF MICHIGAN

REGISTER OF ACTIONS

CASE No. 08-013456-01-FC

State of Michigan v Donald C. Richardson

§
§
§
§
§
§
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§
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§

Location: **Criminal Division**
 Judicial Officer: **Jackson, Thomas E.**
 Filed on: **10/09/2008**
 Case Number History: **08065303-01**
08722378-01
 Case Tracking Number: **08722378-01**
 CRISNET/Incident No.: **08NW1080**
 Transaction Control Number: **DJ-08111160J**

CASE INFORMATION

Offense	Deg	Date	Case Type: Capital Felonies
1. Assault With Intent to Murder		09/25/2008	Case Status: 02/26/2009 Final
Arrest: 09/25/2008 DPNW6 - Dpd Northwestern-6			
2. Assault With Intent to Murder		09/25/2008	
Arrest: 09/25/2008 DPNW6 - Dpd Northwestern-6			
3. Assault With Intent to Do Great Bodily Harm less Than Murder		09/25/2008	
4. Assault With Intent to Do Great Bodily Harm less Than Murder		09/25/2008	
Arrest: 09/25/2008 DPNW6 - Dpd Northwestern-6			
5. Assault With a Dangerous Weapon(felonious Assault)		09/25/2008	
Arrest: 09/25/2008 DPNW6 - Dpd Northwestern-6			
6. Assault With a Dangerous Weapon(felonious Assault)		09/25/2008	
Arrest: 09/25/2008 DPNW6 - Dpd Northwestern-6			
7. Weapons Felony Firearm		09/25/2008	
Arrest: 09/25/2008 DPNW6 - Dpd Northwestern-6			

Statistical Closures

01/29/2009 Jury Verdict

Warrants

Bench Warrant - Richardson, Donald C. (Judicial Officer: Sherman, Millicent D)

09/28/2008

Fine: \$ Bond: \$

PARTY INFORMATION

		Lead Attorneys
Plaintiff	State of Michigan	Miles, Kimberly F. (313) 224-5777(W)
Defendant	Richardson, Donald C. <i>Black Male</i> <i>SID: M13547665X</i> <i>Other Agency Number: 299102 Detroit Police Identification Number</i>	Lusby, Charles D. (313) 801-2029(W) <i>Retained</i>
Appellate Attorney	Branch, William F.	

DATE	EVENTS & ORDERS OF THE COURT	INDEX
09/26/2008	Recommendation for Warrant	
09/26/2008	Warrant Signed	
09/28/2008	Arraignment on Warrant (Judicial Officer: Sherman, Millicent D)	

THIRD JUDICIAL CIRCUIT OF MICHIGAN

REGISTER OF ACTIONS**CASE No. 08-013456-01-FC***Defendant Stands Mute; Plea Of Not Guilty Entered By Court*

09/28/2008 **Plea** (Judicial Officer: Sherman, Millicent D)
1. Assault With Intent to Murder
Defendant Stand Mute: Plea of Not Guilty Entered by Court

09/28/2008 **Plea** (Judicial Officer: Sherman, Millicent D)
2. Assault With Intent to Murder
Defendant Stand Mute: Plea of Not Guilty Entered by Court

09/28/2008 **Plea** (Judicial Officer: Sherman, Millicent D)
3. Assault With Intent to Do Great Bodily Harm less Than Murder
Defendant Stand Mute: Plea of Not Guilty Entered by Court

09/28/2008 **Plea** (Judicial Officer: Sherman, Millicent D)
4. Assault With Intent to Do Great Bodily Harm less Than Murder
Defendant Stand Mute: Plea of Not Guilty Entered by Court

09/28/2008 **Plea** (Judicial Officer: Sherman, Millicent D)
6. Assault With a Dangerous Weapon(felonious Assault)
Defendant Stand Mute: Plea of Not Guilty Entered by Court

09/28/2008 **Plea** (Judicial Officer: Sherman, Millicent D)
7. Weapons Felony Firearm
Defendant Stand Mute: Plea of Not Guilty Entered by Court

09/28/2008 **Interim Condition for Richardson, Donald C.** (Judicial Officer: Sherman, Millicent D)
- Cash or Surety
\$100,000.00

10/09/2008 **Preliminary Examination** (Judicial Officer: Jones-Bradley, Vanessa)
Held

10/09/2008 **Bound Over**

10/09/2008 **Appearances by a Retained Attorney Filed**

10/09/2008 **Order For Production Of Exam Transcript Signed and Filed**
Ronnie Dixon, 10-09-08, 0+1

10/16/2008 **Arraignment On Information** (Judicial Officer: Jackson, Thomas E.)
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
Held

10/16/2008 **Disposition Conference** (Judicial Officer: Jackson, Thomas E.)
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
Held

10/16/2008 **Calendar Conference** (Judicial Officer: Jackson, Thomas E.)
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
Held

10/16/2008 **Scheduled AOI**

12/05/2008 **Final Conference** (Judicial Officer: Jackson, Thomas E.)

53 pages

THIRD JUDICIAL CIRCUIT OF MICHIGAN

REGISTER OF ACTIONS**CASE NO. 08-013456-01-FC**

Resource: Court Rpt/Rec 7138 Harding, Melissa

Resource: Courtroom Clerk C5923 Brown, Dawn

Held

12/23/2008 **Motion**
Defense Witnesses

01/12/2009 **Jury Trial (Judicial Officer: Jackson, Thomas E.)**
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
In Progress

01/13/2009 **Jury Trial in Progress (Judicial Officer: Jackson, Thomas E.)**
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
In Progress

01/26/2009 **Jury Trial in Progress (Judicial Officer: Jackson, Thomas E.)**
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
01/15/2009 *Reset by Court to 01/26/2009*
In Progress

01/27/2009 **Jury Trial in Progress (Judicial Officer: Jackson, Thomas E.)**
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
In Progress

01/28/2009 **Jury Trial in Progress (Judicial Officer: Jackson, Thomas E.)**
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
In Progress

01/29/2009 **Jury Trial in Progress (Judicial Officer: Jackson, Thomas E.)**
Resource: Court Rpt/Rec 7138 Harding, Melissa
Resource: Courtroom Clerk C5923 Brown, Dawn
Held

01/29/2009 **Disposition (Judicial Officer: Jackson, Thomas E.)**
1. Assault With Intent to Murder
Dismissed
2. Assault With Intent to Murder
Dismissed
3. Assault With Intent to Do Great Bodily Harm less Than Murder
Found Guilty by Jury
4. Assault With Intent to Do Great Bodily Harm less Than Murder
Found Guilty by Jury
5. Assault With a Dangerous Weapon(felonious Assault)
Not Guilty by Jury
6. Assault With a Dangerous Weapon(felonious Assault)
Not Guilty by Jury
7. Weapons Felony Firearm
Found Guilty by Jury

01/29/2009 Refer to Probation For Pre-Sentence Report (Judicial Officer: Jackson, Thomas E.)

01/29/2009 Found Guilty By Jury (Judicial Officer: Jackson, Thomas E.)

THIRD JUDICIAL CIRCUIT OF MICHIGAN

REGISTER OF ACTIONS**CASE No. 08-013456-01-FC**

01/29/2009 Order For DNA Sample (Judicial Officer: Jackson, Thomas E.)

02/26/2009 **Sentencing** (Judicial Officer: Jackson, Thomas E.)

Resource: Court Rpt/Rec 7138 Harding, Melissa

Resource: Courtroom Clerk C5923 Brown, Dawn

*Held*02/26/2009 **Sentence** (Judicial Officer: Jackson, Thomas E.)

3. Assault With Intent to Do Great Bodily Harm less Than Murder

Prison Sentence

Fee Totals:

- Crime Victims 60.00

Fee - (FEL)

- State Minimum 60.00

Cost (FEL)

Fee Totals \$ 120.00

State Confinement:

Agency: Michigan Department of Corrections

Effective 02/26/2009

Term: 36 Mo to 120 Mo

4. Assault With Intent to Do Great Bodily Harm less Than Murder

Prison Sentence

Fee Totals:

- Crime Victims 60.00

Fee - (FEL)

- State Minimum 60.00

Cost (FEL)

Fee Totals \$ 120.00

State Confinement:

Agency: Michigan Department of Corrections

Effective 02/26/2009

Term: 36 Mo to 120 Mo

7. Weapons Felony Firearm

Prison Sentence

State Confinement:

Agency: Michigan Department of Corrections

Effective 02/26/2009

Term: 2 Yr to 2 Yr

Credit for Time Served: 5 Days

02/26/2009 Sentenced to Prison (Judicial Officer: Jackson, Thomas E.)

04/15/2009 Order For Production Of Trial And Sentence Transcript

melissa harding, sr 2/26/09 jt 1/12,13,26,27,28,29/09

07/13/2009 Notice of Transcript Filed

*Melissa Harding; 1-12,13,26,27,29,2-26-9; E***Vol./Book 6 427
pages

04/17/2009 Stenographers Certificate Filed

Melissa Harding, no record to transcribe 1-28-09

01/22/2010 Application For Leave To Appeal (Circuit)

DENIED

07/27/2010 United States Court Of Appeals Affirms Trial Court

DATE

FINANCIAL INFORMATION